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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,236	07/12/2001	Edward O. Clapper	INTL-0628-US (P12052)	2118

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EXAMINER

TANG, SON M

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

3,18

Office Action Summary

Applicati n No.

09/904,236

Applicant(s)

CLAPPER, EDWARD O.

Examiner

Son M Tang

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-- Th MAILING DATE of this communication appears on the cover sheet with the corr spondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-19,21-29,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,3-9,11-19,21-29,31 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claim 1, line 3 phrase “a tag to sense the tags” and line 4 “the user in facility” are unclear, “a tag” should it be --a user-- and “the user” should it be --a user-- please provide further define.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1, 11 and 21 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original specification does not provide any support of “enabling the *cards* to communicate with one another through the network” the disclosure was only mention wherein the PDA user may wirelessly communicate with other PAD users.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims **1, 11, 21, 5-7, 17-19 and 24-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Komatsu** [U.S. Pat. 5,646,616] in view of Kobayashi [JP 02001306719A].

As to claims 1: **Komatsu** disclose a system comprising, a plurality of wireless tags (6) around a facility (see Fig. 1), providing a sensor (met by an antenna 60 combines with section 72) associated with a user to sense the tags (6) a processor associatable with a user and to determine the position of the user in the facility based on information from said tags (as shown in Fig. 1-3 and col. 3, lines 15-25),

Komatsu disclose the instant claimed invention except for: enable the carts which may met by a (PDA) to exchange information among the carts through said network.

Kobayashi teaches an exchange opinions system which comprises, PDAs that exchange information among the PDAs through said LAN network [as cited in Abstract and paragraph # [0021]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a well-known PDA devices to exchange information within the facility through LAN network as suggested by Kobayashi, because the PDA device is small in size which can be easy to carry around with the user.

As to claims 11 and 21 : Refer to claim 1 above.

As to claims 5-7 and 9: **Komatsu** further discloses a plurality of sensors associated with the user, each sensor on a shopping cart and to sense the identify information from each of a plurality wireless tags to determine the position of the user in the facility (as shown in Fig. 1-3 and col. 3, lines 15-40).

As to claim 8: **Komatsu** further discloses wherein the information from said wireless tags (6) to a server (met by a host computer, col. 2, line 48), since the host computer is control the entire picking system (as cited in col. 2, lines 46-68).

As to claim 18: Refer to claim 8 above.

As to claims 17, 19, 24-26: Refer to claims 5-7 above.

As to claims 31-32: As stated by Komatsu (in col. 2, lines 46-68), Komatsu does not specifically disclose that a requested destination from the user's current position. However, it would have been obvious of one having ordinary skill in the art at the time the invention was made to be interpreted as following: Komatsu discloses a computer that comprising a control section [70] and IC card reader/writer [90] wherein said reader/writer reads the picking request from a user, wherein said picking request including a type and amount of articles to be picked up [col. 2, lines 47-60] the computer associated with a display unit [20] and determines the requested and display the picking information in response to the current position of the picking cart [col. 2, lines 58-60] the picking information includes the articles number, quantity, units, the position of a shelf (means articles location) and a cart advancement route (means future path travel) which is determined for each operation in accordance with the type of the articles to be picked up (in the future) [col. 2, lines 61-67]. Therefore, "a requested destination" would be the same as "article picking requested" since, they both use for requesting an item location information in the facility.

2. Claims 4, **12-16, 22-23 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Komatsu** [U.S. Pat. 5,646,616] in view of **Jelen et al.** [U.S. Pat. 6,119,935].

As to claim 4 : Komatsu discloses a host computer (cited in col. 2, line 48) comprising a process system in Fig. 3, which receives information from a sensor associated with the user (which met by an antenna 60) and an (IC card reader /writer 90) for pushing information to the shopping cart depending on the cart's current location (as shown in Fig. 3 and col. 2, lines 46-68), Komatsu fails to specify wherein the wireless linking a plurality of shopping carts through a local area network to the server, **Jelen et al.** teach a system which comprising a wirelessly link a plurality of shopping carts within a retail facility through a local area network to

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the server (58) and enable the carts to exchange information through said network, such as cart location (as shown in Fig. 1 and col. 4, lines 7-21). It would have been obvious of one having ordinary skill in the art at the time the invention was made to employ a local area network as taught by Jelen et al. into the system of Komatsu for the purpose of a faster response, since there is many users (carts) are in the same facility area to be detected.

As to claims 12-16: Refer to claim 4 above.

As to claims 22-23 and 27: Refer to claim 4 above.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pub. No. US 2002/0141442 A1, US. 6,490,459, US. 6,081,536, US. 6,490,459 and US. 5,250,789.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M Tang whose telephone number is (703)306-5970. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (703)308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3988 for regular communications and (703)305-3988 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.


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Son Tang

February 10, 2003


DANIEL J. WU
PRIMARY EXAMINER
2/10/03